

Before the  
COPYRIGHT ROYALTY BOARD  
LIBRARY OF CONGRESS  
Washington, D.C.

In the Matter of )

)  
Distribution of DART Sound Recordings )  
Fund/Featured Recording Artist Subfund Royalties )  
For 2005 )

Docket No. 2006-4 CRB DD 2005

**MOTION OF THE ALLIANCE OF ARTISTS AND RECORDING COMPANIES TO  
DISMISS SOUND RECORDINGS COPYRIGHT OWNERS' SUBFUND CLAIM**

**ORIGINAL AFFIDAVITS**

On August 1, 2006, The Alliance of Artists and Recording Companies ("AARC") filed the above motion to dismiss the claim of Ms. C'Ella Jones. Attachment 4 (Affidavit of Nemo Mitchell, CEO of SUCCNESS.NET) and Attachment 6 (Affidavit of Daniel B. Zucker, Senior Vice President, Business and Legal Affairs for Zomba Recording, LLC) were included with the original filing as facsimiles of documents executed under penalty of perjury, as is permissible under 28 U.S.C. § 1746 (2000). Attached are original Affidavits 4 and 5.

Respectfully submitted



Linda R. Bocchi, Esq.  
Executive Director  
Alliance of Artists and Recording Companies  
700 N. Fairfax Street Suite 601  
Alexandria, VA 22314  
(703) 535-8101 (phone)  
(703) 535-8105 (facsimile)

August 3, 2006

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AUG 03 2006

COPYRIGHT ROYALTY BOARD

**AFFIDAVIT OF DANIEL B. ZUCKER**

In the Matter of )

Distribution of DART Sound Recordings )

Fund/Featured Recording Artist Subfund Royalties )

For 2005 )

) Docket No. 2006-4 CRB DD 2005

Daniel B. Zucker, the undersigned, declares:

1. I am the Senior Vice President, Business and Legal Affairs for Zomba Recording, LLC ("Zomba"), a division of Sony BMG Music Entertainment. As such, I have access to business records relating to Zomba's ownership and licensing of sound recordings. These business records include documents reflecting Zomba's ownership and licensing of sound recordings and its exclusive right to reproduce such recordings. These documents thereby establish that Zomba is an interested copyright party as defined in the Audio Home Recording Act of 1992 ("AHRA"). 17 U.S.C. 1001(7)(A) (2003).
2. Zomba had in the AHRA royalty year 2005 and currently has the exclusive right to reproduce phonorecords embodying the following sound recordings and/or the accompanying graphics contained on the phonorecords listed below.

**ARTIST**

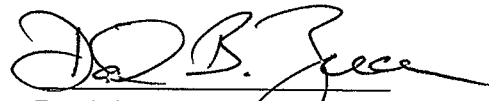
**PHONORECORD TITLE**

R. Kelly

Up 3 Reloaded

3. To the best of my knowledge, Zomba has never licensed Cella Jones, (also known as C'Ella Jones), last known location 676 9<sup>th</sup> Street, Apt. B, Richmond, California 94801, to reproduce phonorecords embodying the sound recordings and/or accompanying graphics referred to in paragraph two above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on July 31, 2006.

  
Daniel B. Zucker

Sworn to before me this 31<sup>st</sup> day of July, 2006.

  
Notary Public

No. 02GR6140322  
N.Y. County, N.Y. State

My Commission Expires:

1/23/10

AFFIDAVIT OF NEMO MITCHELL

In the Matter of )

Distribution of DART Sound Recordings )

Fund/Featured Recording Artist Subfund Royalties )

For 2005 )

Docket No. 2006-4 CRB DD 2005

NEMO MITCHELL, the undersigned, declares:

1. I am CEO of SICCNES.NET. As such, I have access to business records relating to SICCNES' ownership and licensing of sound recordings. These business records include documents reflecting SICCNES' ownership and licensing of sound recordings and its exclusive right to reproduce such recordings. These documents thereby establish that SICCNES qualifies as an interested copyright party as defined in the Audio Home Recording Act of 1992 ("AHRA"). 17 U.S.C. 1001(7)(A) (2003).

2. SICCNES had in the AHRA royalty year 2005 and currently has the exclusive right to reproduce phonorecords embodying the following sound recordings and/or the accompanying graphics contained on the phonorecords listed below.

ARTISTPHONORECORD TITLEKo KaneMr. Kane pt 2

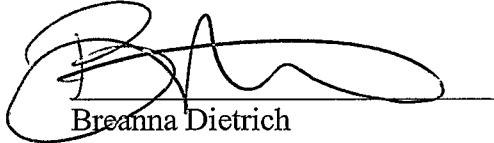
3. To the best of my knowledge, SICCNES has never licensed Cella Jones, (also known as C'Ella Jones), last known location 676 9<sup>th</sup> Street, Apt. B, Richmond, California 94801, to reproduce phonorecords embodying the sound recordings and/or accompanying graphics referred to in paragraph two above.

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Nemo Mitchell

**CERTIFICATE OF SERVICE**

I, Breanna Dietrich, certify that on this August 3, 2006, a copy of the foregoing "Motion of the Alliance of Artists and Recording Companies to Dismiss Sound Recordings Copyright Owners Subfund Claim Original Affidavits" was mailed to the following party:

  
Breanna Dietrich

C'ella Jones  
676 9<sup>th</sup> Street  
Apt. B  
Richmond, CA 94801\*

C'ella Jones  
430 S. 9<sup>th</sup> Street  
Richmond, CA 94804\*\*

\* Official address filed with the Copyright Office

\*\* Address updated via UPS

COPY

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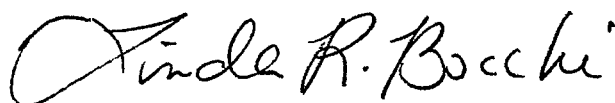
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Respectfully submitted



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GENERAL COUNSEL  
OF COPYRIGHT

**AFFIDAVIT OF DANIEL B. ZUCKER**

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**PHONORECORD TITLE**

R. Kelly

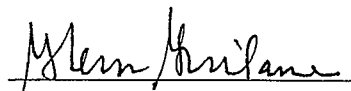
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AFFIDAVIT OF NEMO MITCHELL

In the Matter of )

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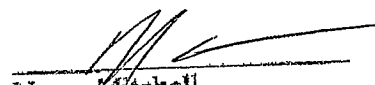
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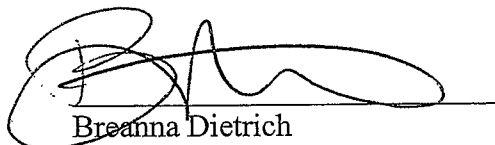
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